

Remarks

This is an RCE application. The claims have been amended to recite that the particles obtained by the reaction consist of amorphous silicon. Thus, amorphous particles containing applicable amounts of halides such as those obtained in WO/01/14250 are excluded from the claims. The claims have also been amended to recite that the organic solvent "consists of" one or more apolar organic solvents, and thus mixtures of polar and apolar solvents containing any appreciable amount of polar solvent are excluded.

As can be seen from the specification, limiting the solvent to apolar solvents enables the preparation of particles which are amorphous and essentially pure silicon. In contrast, as indicated by the WO '250 reference and as explained in the presumptively accurate specification in numerous places, for example, page 2 third paragraph to page 3 first paragraph; and page 6 third paragraph 3 to page 7 second paragraph, the use of polar solvents or solvent mixtures containing polar solvents results, not in pure amorphous silicon, but in silicon contaminated with C1, OH, or other species, particularly at its surface.

Withdrawal of the restriction requirement in this RCE is solicited, as the independent claim has been amended to recite that all the syntheses, no matter what halosilane is employed, take place in apolar solvent. Thus, there is a common technical feature for all the claims.

Early favorable consideration is respectfully requested.

The 3 month Petition fee of \$1,050 is being charged to Deposit Account No. 02-3978 via electronic authorization submitted concurrently herewith. The Commissioner is hereby authorized to charge any additional fees or credit any overpayments as a result of the filing of this paper to Deposit Account No. 02-3978.

Respectfully submitted,

NORBERT AUNER

By 

William G. Conger
Reg. No. 31,209
Attorney for Applicant

Date: September 10, 2008

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351